

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Z-Man Fishing Products, Inc.; Holding
One, Inc.,

Plaintiffs,

vs.

Joseph F. Renosky; Renosky Fishing
Lures, Inc.

Defendants.

Civil Action No. 2:11-428-RMG

ORDER

Defendants have moved before the Court for leave to file an interlocutory appeal of a prior order of this Court (Dkt. No. 107) which made a claim construction of independent Claim 1 of U.S. Patent No. 7,726,062 (“the ‘062 Patent”) and granted partial summary judgment to Plaintiffs regarding the Defendants’ infringement of the ‘062 Patent. (Dkt. No. 110). Plaintiffs have opposed this motion, asserting that an interlocutory appeal in this matter will result in “piecemeal” appellate review that will not promote judicial economy. (Dkt. No. 112). The Court referred this motion to the Magistrate Judge, who filed a Report and Recommendation on August 13, 2012 recommending that Defendants’ motion for interlocutory appeal be denied. (Dkt. No. 117). No party has filed an objection to the Report and Recommendation of the Magistrate Judge.

The Federal Magistrates Act requires a district court to “make a *de novo* determination of those portions of the [Magistrate Judge’s report] . . . to which specific objection is made.” 28

U.S.C. § 636(b)(1); *accord* Fed. R. Civ. P. 72(b). In the absence of a specific timely objection, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*citing* Fed. R. Civ. P. 72 Advisory Committee’s note). A district court may “accept, reject, or modify, in whole or in part, the findings or recommendations” of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

The Court has reviewed the Report and Recommendation of the Magistrate Judge, the memoranda of the parties, and the controlling case law, and is satisfied that the Report and Recommendation accurately and comprehensively addresses the issues raised by the motion and appropriately concludes that the Defendants’ motion should be denied. Therefore, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge (Dkt. No. 117) as the order of the Court and Defendants’ motion for interlocutory appeal (Dkt. No. 110) is hereby **DENIED**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court

September 18, 2012
Charleston, South Carolina